

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 14, 2005 (“Office Action”). At the time of the Office Action, Claims 1-19 were pending in the application. In the Office Action, the Examiner rejects Claims 1-19. To advance prosecution of this case, Applicant amends Claims 1-19. In addition, Applicant adds new Claims 20-21. Applicant does not admit that any amendments are due to any prior art or any of the Examiner’s rejections. Applicant respectfully requests reconsideration and allowance of all pending claims.

Section 102 Rejections

The Examiner rejects Claims 1-19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,826,013 issued to Nachenberg (“*Nachenberg*”). Applicant respectfully requests reconsideration and allowance of Claims 1-19.

Amended Claims 1 and 8-11

Nachenberg fails to teach, suggest, or disclose each element of amended Claim 1. In particular, the cited reference fails to teach, suggest, or disclose that the at least one modification “comprises installation of an exception handler or an interrupt handler” as recited, in part, in amended Claim 1.

First, *Nachenberg* fails to teach, suggest, or disclose “installation of an exception handler” as recited, in part, in amended Claim 1. In the initial Office Action, the Examiner asserts that *Nachenberg* teaches an exception handler. (Office Action dated 11/10/2004; p. 3, ¶ 1). However, the Office Action does cite any portion of *Nachenberg* to support this assertion. (Office Action dated 11/10/2004; p. 3, ¶ 1). The Examiner’s conclusory statement regarding the purported teachings of *Nachenberg* -- which statement fails to cite any portion of *Nachenberg* -- does not comply with 37 C.F.R. § 1.104(c)(2), which requires the Examiner to “designate[] as nearly as practicable” the relied upon part of a reference. Despite this deficiency in the Office Action, *Nachenberg* does not teach, suggest, or disclose “an exception handler” as recited, in part, in amended Claim 1. *Nachenberg* discloses a module for detecting polymorphic viruses by emulating instructions of a computer program. (*Nachenberg*; col. 3, ll. 6-7). After emulating the instructions, the module in *Nachenberg* scans memory pages for fifteen selected bytes (i.e., “2E, 3D, 50, 74, 8B, 8C, B8, B9, BA, BB, BE, BF, CD, E8, E9”). (*Nachenberg*; col. 10, ll. 41-51). If a selected byte is detected, the

module compares a bit array with known virus signatures. (*Nachenberg*; col. 10, ll. 52-64). Thus, *Nachenberg* merely discloses detecting the above-mentioned bytes. Unlike *Nachenberg*, the claimed invention discloses detecting at least one modification that “comprises installation of an exception handler” as recited, in part, in amended Claim 1. There is nothing in *Nachenberg* that teaches, suggests, or discloses “an exception handler” as recited, in part, in amended Claim 1.

Second, *Nachenberg* fails to teach, suggest, or disclose “an interrupt handler” as recited, in part, in amended Claim 1. *Nachenberg* describes the retrieval of interrupts as well as instructions. (*Nachenberg*; col. 9, ll. 11-32). In particular, *Nachenberg* describes a comparison of interrupts with profiles of known polymorphic viruses. (*Nachenberg*; col. 9, ll. 11-32). Comparing interrupts with profile data, as disclosed in *Nachenberg*, is merely a detection technique. There is nothing in *Nachenberg* that teaches, suggests, or discloses “an interrupt *handler*” as recited, in part, in amended Claim 1. Because *Nachenberg* fails to teach, suggest, or disclose detecting at least one modification that “comprises installation of an exception handler or an interrupt handler” as recited, in part, in amended Claim 1, *Nachenberg* fails to support the rejection. For at least these reasons, Applicant respectfully requests reconsideration and allowance of amended Claim 1.

In rejecting Claims 8-11, the Examiner employs the same rationale used to reject Claim 1. Accordingly, for at least the reasons stated with respect to amended Claim 1, Applicant respectfully requests reconsideration and allowance of amended Claims 8-11.

Amended Claims 2-7 and 12-19

Amended Claims 2-7 and 12-19 depend from independent claims shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited reference. For example, *Nachenberg* fails to teach, suggest, or disclose “a pointer to an exception handler” as recited, in part, in amended Claim 4. The initial Office Action does not contain any discussion of Claim 4. (Office Action dated 11/10/2004; p. 3). Therefore, as explained above, the Examiner’s rejection of Claim 4 does not comply with the requirements of 37 C.F.R. § 1.104(c)(2). Furthermore, there is nothing in *Nachenberg* that teaches, suggests, or discloses “an exception handler” or “a pointer to an exception handler” as recited, in part, in amended Claim 4. Because the cited reference fails to teach, suggest, or disclose these aspects of amended Claim 4, the cited reference fails to support the rejection. For at least these reasons, Applicant respectfully requests reconsideration and allowance of

amended Claims 2-7 and 12-19.

New Claims 20-21

New Claims 20-21 depend from amended Claim 1, shown above to be allowable. In addition, these claims recite further elements not taught, suggested, or disclosed by the cited reference. For at least these reasons, Applicant respectfully requests allowance of new Claims 20-21.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Samir A. Bhavsar, Attorney for Applicant, at the Examiner's convenience at (214) 953-6581.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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